

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SERVER TECHNOLOGY, INC., a Nevada
corporation,

Plaintiff and Counterdefendant,

v.

AMERICAN POWER CONVERSION
CORPORATION, a Massachusetts
corporation,

Defendant and Counterclaimant

3:06-CV-00698-LRH-VPC

ORDER

Before the court is defendant and counterclaimant American Power Conversion Corp.'s ("APC") motion to seal certain exhibits attached in support of its various motions in limine. Doc. #435.

Also before the court are plaintiff and counterdefendant Server Technology, Inc.'s ("STI") motion to seal certain exhibits attached in support of its responses to APC's motions in limine. Doc. ##461, 474.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135


1 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific
2 factual findings that outweigh the general history of access and the public policies favoring
3 disclosure.” *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)
4 (internal citations omitted).

5 Here, in this patent infringement action, the court has entered a protective order governing
6 documentation and testimony that is confidential to the parties’ internal research and development.
7 The court has reviewed the documents and pleadings on file in this matter and finds that the
8 various exhibits contain information that is designated “Confidential” and “Highly Confidential”
9 under the protective order. Therefore, the court finds that the parties have satisfied their burdens to
10 show compelling reasons for filing the various exhibits and documents under seal.

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12 IT IS THEREFORE ORDERED that defendant/counterclaimant’s motion to seal
13 (Doc. #435); and plaintiff/counterdefendant’s motions to seal (Doc. ##461, 474) are GRANTED.

14 IT IS SO ORDERED.

15 DATED this 14th day of April, 2014.

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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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